IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 17468 of 2007(D)

PETITIONER:

V.S.SULTHAN, AGED 50 YEARS,
S/O. SULAIMAN, THOTTUNKAL HOUSE,
ERATTUPETTA VILLAGE, MEENACHIL TALUK,
KOTTAYAM DISTRICT.

BY ADV. SRI.GEORGE MATHEW
SRI.A.V.TELLES

RESPONDENTS:

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1. STATE OF KERALA, REP. BY ITS SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. ERATTUPETTA GRAMA PANCHAYATH,
REP. BY ITS SECRETARY,
ERATTUPETTA GRAMA PANCHAYATH.

3. ASST. ENGINEER,
ERATTUPETTA GRAMA PANCHAYATH, ERATTUPETTA.

R2 BY ADV. SRI.V.K.MOHAMMED YOUSUF
R1 & R3 BY ADV. SRI. K.J.MOHAMMED ANZAR, SR.GOVT. PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, ALONG WITH WPC NO. 17417 OF 2007 AND WPC NO.17507 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) Nos. 17417,17468 & 17507 OF 2007

Dated this the 18th day of September, 2007

JUDGMENT

In these writ petitions, the petitioners who had carried out works for the 2nd respondent Panchayat as convenors of beneficiary committees complain that the 2nd respondent Panchayat has not disbursed the amounts due to them as per the final bills submitted by them for the works. The Panchayat has filed a counter affidavit wherein it is conceded that the petitioners have executed the works but it is pointed out that these works were all done under the SGRY scheme which is sponsored by the Central Government. The funds had to be sanctioned by the Central Government and to be allocated through the State Government. The funds sanctioned and allotted during the year 2006-07 to the respondent Panchayat were not sufficient for releasing payment to the petitioners. It is contended that if the Panchayat is directed to pay the petitioners from out of its own funds, the Panchayat will be put to difficulties. It is also contended that, in order that funds will be made available through the next allotment the works have to be included in the action plan for the year 2007-08 and upon getting the sanction as spill over projects from the concerned authority, then only the Panchayat will get the allotment. It is offered that as soon as the

allotment is received from the Government, the Panchayat will not have any objection in releasing payments. It is claimed that the Panchayat is taking all initiatives for raising funds for facilitating payment to the petitioners who had done the works.

2. A statement has been filed by the additional 5th respondent, Project Officer , DRDA, Civil Station, Kottayam(Project Director, Povery Alleviation Unit, Kottayam) wherein the details of allocations and funds sanctioned to the Erattupetta Grama Panchayat during the last two years is furnished as quoted below:

Sl.No.	Year	Allocation	Fund Sanctioned
1.	2005-06	233400.00	216100.00
2.	2006-07	195500.00	202300.00
	Total	428900.00	418400.00

3. It is also contended that besides the cash portion, 8 M.T. of rice has also been issued to the Grama Panchayat being the allocation for the year 2006-07. It is contended that since the Grama Panchayat has not furnished any details, in spite of various requests, and hence the 5th respondent is not in a position to answer the complaint of the petitioners that they are not being paid any amount either in cash or in kind.

4. I have heard Sri.George Mathew, counsel for the petitioner,

Sri.V.K. Mohammed Yousef, Standing Counsel for the Panchayat and Sri.K.J. Mohammed Anzar, Government Pleader for the State and the official respondents. Learned counsel would make submissions on the basis of the pleadings/statement.

5. The total amount due to the three petitioners in these cases is Rs.1,67,193/-. Even though a detailed counter affidavit has been filed by the Panchayat, the said counter affidavit does not claim that the petitioners have been paid any amount for the works satisfactorily executed by them. It is only contended that funds already allocated under SGRY Scheme are not sufficient to pay off the petitioners. The fact remains that works have been completed by petitioners and there is no dispute that the works were not satisfactory. It is not fair or just to insist that the petitioners who seems to be small time men should wait indefinitely for payments. Under these circumstances, I dispose of the Writ Petition issuing the following directions:

The Panchayat will release a sum of Rs.30,000 to the petitioner in WP(C) 17468 of 2007 towards his claims within one month of the petitioner producing a copy of this judgment. Similarly the Panchayat will release to the petitioners in WP(C) 17417 and 17507 of 2007 sums of Rs.25,000/- and 60,000/- respectively within the aforesaid period. There will be a direction to respondents 1, 4 and 5 to ensure that all

funds which are due to the Panchayat from the Central Government under the SGRY Scheme are obtained and allocated to the Panchayat at the earliest and at any rate within three months of the petitioner making available a copy of this judgment before them. Once the Panchayat receives funds pursuant to the above directions, the Panchayat will pay the balance amount due to these petitioners and Panchayat can also reimburse itself for the payment already made, if the payments are made out of its own funds.

PIUS C. KURIAKOSE, JUDGE

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